Mr. Isserman: I must object to your Honor's characterization of my conduct.

The Court: I have heard counsel for the defense here again and again give various excuses, say they have forgotten or it was inadvertent, and I have warned them again and again. I now say that such conduct must be and I find it to be wilfully and deliberately done and contemptuous.

Mr. Isserman: I must object to your Honor's finding.

The Court: Very well.

—Tr. Tr. 11,032—

Mr. Crockett: In so far as the Court's remarks are intended to cover any conduct on my part, I respectfully object.

The Court: Very well.

Mr. Sacher: May it please the Court, I should like also to note an objection.

The Court: Well, you have been one of the chief offenders.

Mr. Sacher: May I, therefore, take exception, particular exception, to that designation because I am not aware I have ever done that—

The Court: Oh, yes.

Mr. Sacher: Wilfully or deliberately.

The Court: Well, I am used to hearing your statements about how innocent you are.

* * * * * *

New York, August 2, 1949

—Tr. Tr. 11,185—

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Q. Did his report—was his report on the subject of youth?

Mr. McGohey: Objection.
The Court: Sustained.

Q. What was the subject of his report?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you hear his report?

Mr. McGohey: Objection.
The Court: Sustained.

Q. In giving his report did Mr. Hashmall speak about an attack upon his home?

Mr. McGohey: Objection.
The Court: Sustained.

Q. In giving his report did Mr. Hashmall speak in any manner about the subject of youth?

Mr. McGohey: Objection.
The Court: Sustained.

—Tr. Tr. 11,186—

Q. In the course of his report did Mr. Hashmall read from a newspaper?

Mr. McGohey: Objection.

The Court: Sustained.

Mr. McGohey: Will your Honor hear me for a moment?

The Court: What is that?

Mr. McGohey: Will your Honor hear me for a moment?

The Court: Yes.

Mr. McGohey: Your Honor has sustained an objection to a question asking what did Mr. Hashmall say, and now we are getting a series of questions suggesting a whole range of subjects assuming that they were the subjects of the speech. I object to the line of questioning.

The Court: Well, I think it is sufficiently plain to the jury and to everyone here, and I plainly stated yesterday the way I was going to rule. I have allowed a good deal of evidence here on behalf of the defendants showing how other people were guilty of force and violence as it was claimed, although I thought it was not very close to the issue here, but yesterday I put a stop to it, and that stop is going to remain. We are not going to have any more testimony on behalf of the defendants about the lynchings, the attacks on people's houses, and

—Tr. Tr. 11,187—

the various other force and violence that has little if any bearing on this case. The question here is not whether others were guilty of teaching and advocating, or pursuing a policy of force and violence, but whether these defendants and those may be found to have conspired with them, conspired to

teach and advocate the overthrow of the Government by force and violence. And, so, having permitted what I thought was ample testimony to make the position of the defendants plain on that subject, I have reached the point where I write finish.

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—Tr. Tr. 11,228—

New York, August 3, 1949

* * * * *

A. No, I did not let him take my car for that purpose.

Q. Didn't you let him use your car so that it would be more difficult to trace him riding around in a car bearing your license and your registration?

Mr. Gladstein: This has not only been asked and answered but it raises a question about after the indictment. I think this is objectionable—

—Tr. Tr. 11,229—

The Court: You are again contemptuous, Mr. Gladstein. You have defied my admonition. Please cease to do that. If that is an objection, it is overruled.

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—Tr. Tr. 11,247—

Q. In connection with Mr. Green's supervision, on the occasions when he saw you, did you give him any report as to the work you were doing?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did Mr. Green give you any directions or instructions on the work you were to do as section organizer or as membership director of the Section?

Mr. McGohey: Objection.
The Court: I will allow a yes or no answer.
The Witness: May I hear that again?

Q. (Read.) A. He did.
Q. What instructions did he give you on these occasions in connection with educational work in the clubs of your section?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did he give you any instructions on educational work that you were to carry out in the clubs of your section?

Mr. McGohey: Objection.
The Court: Sustained.
Can you not conform yourself to my ruling, Mr. Isserman?
Mr. Isserman: If the Court please, there is a diffi-

—Tr. Tr. 11,248—

culty which I would like to explain to the Court.
The Court: I gather your answer is in the negative.
Mr. Isserman: I will try to do what I can but it

is impossible to do it adequately, to present this testimony.

The Court: Then you will do it or I will ask this witness to step down from the stand and you will have to call the next witness.

Mr. Isserman: I must object to your Honor's—

The Court: Very well. I told you—

Mr. Isserman: —ruling in this respect.

The Court: —yesterday and the day before what was to be done, and I mean business.

Mr. Isserman: I must object to your Honor's remark as being prejudicial to the defense of this case—

The Court: Your comment is noted.

Mr. Isserman: —not allowing counsel to carry out his obligation to represent his clients.

The Court: It is a very simple thing, Mr. Isserman, for you to direct the attention of this witness to a particular conversation—

Mr. Isserman: I would like to explain—

The Court: —and have her state where it was, who was there, and the time, and bring out what you desire.

Mr. Isserman: I would like—

—Tr. Tr. 11,249—

The Court: If you cannot do that for some reason known to you but not to me, I have told you what I will do.

Mr. Isserman: I would like to explain to the Court the reason why—

The Court: I don't want any explanation.

Mr. Isserman: —that procedure does not bring forth the evidence which this witness can give.

The Court: I don't want any explanation. You told me that you confer fully with the witnesses before you call them, that you know what they are about to testify to, and you must know that there is some conversation, or if more than one, then more than one, in which there is material relevant to the case. If so, direct your attention to it.

Mr. Isserman: I must object to your Honor's direction as given.

The Court: Very well.

Q. Now, do you recall any particular conference with Mr. Green on the question of education in the year 1946? A. Yes.

Q. And how many conferences did you have in that year with Mr. Green on the question of education? A. There have been many but I would like to mention only a few.

Q. Would you mention the first one?

—Tr. Tr. 11,250—

The Court: No; what you would like to do, Mrs. Lightfoot, is not very important here. Your function is to answer the questions, which I hope you will do.

Q. Would you answer the conversation—I am sorry. Would you give us the conversation you had with Mr. Green on one of the occasions that you remember on the question of education?

Mr. McGohey: I object.

The Court: Sustained. She must first fix the time and the place and who was present.

Q. Are you able to fix the time and place of the particular conversation you have in mind, Mrs. Lightfoot, approximate time? A. Yes.

Q. When was it? A. Some time during May—around the end of May of 1946; the place was in the district office of the Party.

Q. And who was present with you and Mr. Green? A. As I recall, Mr. Green, Claude Lightfoot, who was the organizer of the South Side at that time, and I.

Q. Now will you tell us what was said on that occasion?

Mr. McGohey: Objection.

The Court: Let me hear the question.

(Question read.)

The Court: You mean what Mr. Green said.

Mr. Isserman: Yes.

Tr. Tr. 11,251—

Q. Will you tell us—well, did Mr. Green start the conversation or did you start it, Mrs. Lightfoot?

The Court: These are instructions that Mr. Green is said to have given to the witness?

Mr. Isserman: That is true.

The Court: Go ahead and tell us what he said.

Mr. Isserman: The instructions are the result of a conversation, after a request—

Mr. McGohey: That, if your Honor please, is objected to.

The Court: All right.

Q. Did you initiate the conversation?

The Court: No; Mrs. Lightfoot, you listen to me. Now you go ahead and tell us what Mr. Green said to you on the occasion when you said he gave you instructions in the end of May 1946 in the district office of the Communist Party in Chicago when you and Mr. Green were there alone together.

Mr. Isserman: If the Court please, I object to that question. The testimony—it doesn't—

The Court: I do not want to hear any argument.

Mr. Isserman: I object to the question as improper.

The Court: Your objection is overruled.

Now go ahead, Mrs. Lightfoot.

Mr. Isserman: Now I would like also to note an

—Tr. Tr. 11,252—

objection on the record to the Court's taking over the examination of the witness.

The Court: Very well; your objection is noted and overruled.

The Witness: As I recall, near the end of May in 1946, in the district office, with Mr. Green, Mr. Lightfoot and I, after there had been some discussion on the mounting wave of lynchings against the Negro people, particularly the one in February in Columbia, Tennessee, when a whole community—

Mr. McGohey: Now if the Court please, I object.

The Court: I will sustain the objection.

Mr. Gladstein: I object to cutting off—

The Court: We are going to have no more about the subject matter that is now coming up. I said

that yesterday and the day before, and that is out. Now if there was something to do with matters of a different character, they may be pursued.

Mr. Gladstein: Your Honor—

The Court: I do not desire to hear you, Mr. Gladstein. This trial is going to move now. We are at an end of these peripheral matters and we will not have any more of that.

Mr. Isserman: I must object to your Honor's remark and to the characterization of the matters

—Tr. Tr. 11,253—

in this case as peripheral matters.

The Court: Very well; your objection is noted.

Q. Will you give us specifically the instructions which Mr. Green gave you?

Mr. McGohey: If the Court please, I object unless they are going to be—I beg your pardon.

The Court: Well if the witness—I will try it and see if the witness can avoid that sort of material and tell us just exactly what the instructions were. If it turns out that they were instructions to go about the subject of grievances of the Negroes or other matters that I feel have been sufficiently covered, I shall stop the witness.

Mr. Isserman: They are instructions relating to the educational activities of the Party in that respect.

The Court: Yes. I am quite familiar now with answers that numerous witnesses called by the defense give to such questions and how they then,

instead of going into the matters pertinent to the charge directly, go into these other matters, and I have said I will let the witness give a brief description of the instructions. If I find that they go into matters that I have ruled out, I shall stop them.

Mr. McGohey: Will your Honor hear me for just a minute?

—Tr. Tr. 11,254—

The Court: Yes.

Mr. McGohey: I don't know whether your Honor heard counsel's observation in answer to your first statement. Mr. Isserman, as I heard him—and I think the record will bear me out, said that these were instructions to the witness about education "in that respect," meaning the respect of the subject matter that the witness started to talk about.

The Court: Did you say that, Mr. Isserman?

Mr. McGohey: On that basis I press my objection

Mr. Isserman: I believe I did, your Honor.

The Court: Then I will sustain the objection.

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—Tr. Tr. 11,268—

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Q. Did you, in discussing point 5, discuss the question of attaining Socialism?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you discuss the question of attaining Socialism by the policies of the Communist Party of the United States?

Mr. McGohey: Objection. She said she did not.

The Court: Yes.

Mr. Isserman: She hasn't answered that question.

The Court: I will sustain the objection.

Mr. Gladstein: I object to Mr. McGohey's remark. It is not an accurate statement.

The Court: Overruled.

Q. Did you discuss, in connection with item 5, the struggle of the Communist Party to the goal of Socialism in the United States in the period April 1945 to July 20, 1948?

Mr. McGohey: Objection.

The Court: Read me that question, Mr. Reporter.

Q. (Read.)

The Court: Sustained.

Q. Mrs. Lightfoot, what did you teach the class in re-

—Tr. Tr. 11,268a—

spect to the matter which is listed under Roman numeral V?

Mr. McGohey: Objection.

The Court: Sustained.

Q. I call your attention to item C, which appears on that page, that is, the page entitled "Topic II", under a heading "What is the strategy of the workers?" and ask you if you discussed that matter—if you taught the class anything on this subject?

Mr. McGohey: Objection.

—Tr. Tr. 11,269—

The Court: Mrs. Lightfoot, in this matter of the strategy of the workers, did you discuss the dictatorship of the proletariat, imperialism, and just and unjust wars, and things of that kind, or were they not mentioned?

Mr. Isserman: I object to the question.

The Court: Overruled.

The Witness: Under topic 3—under topic C—

The Court: You will answer that question yes or no or state that you cannot answer it.

Mr. Gladstein: I object to the Court's tone and manner of badgering the witness.

The Court: There is nothing about my tone, and you will please sit down.

Mr. Gladstein: I desire to make an objection.

The Court: Mr. marshal, will you just—

(To the reporter) Read the question to the witness.

We will have no more monkey business here.

Mr. Gladstein: I object to the ruling.

—Tr. Tr. 11,270—

Mr. Isserman: I object to the Court's remark.

The Court: You will sit down, Mr. Gladstein.

Mr. Isserman: And I want to register an objection to the Court's ruling.

The Court: Very well.

Mr. Isserman: As prejudicial to the conduct of the case and to the defense and making the defense impossible.

The Court: When I desire to ask a question, I am going to ask it. I am through with the interference of counsel.

Now go ahead and read the question, Mr. Reporter.

Mr. Isserman: May I ask the Court a question?

The Court: You may not.

(Question read.)

Mr. Isserman: I object to that question.

The Court: Overruled.

A: Under C I discussed—

The Court: Mrs. Lightfoot, did you hear me tell you to answer that question, either that you did discuss those subjects or that you did not discuss those subjects? Now which was it? You did discuss them or you did not discuss them.

Mr. Isserman: I object to that question.

The Court: Overruled.

—Tr. Tr. 11,271—

Mr. Gladstein: Your Honor—

The Court: Overruled. I don't want to hear anything from you, Mr. Gladstein.

The Witness: The way that the question was—I heard the question. It says—.

The Court: Then you will answer it the way I tell you to, Mrs. Lightfoot. Now did you discuss those subjects or did you not?

The Witness: The question includes "things of that kind," and—

The Court: Then I will take out "things of that kind."

Did you—

The Witness: May I hear the question?

The Court: I will give it over again.

Did you in that lecture discuss, when treating the subject of the Strategy of the Workers, the Dictatorship of the Proletariat, Imperialism, Just and Unjust Wars, or any of them?

The Witness: Well, were they mentioned during the course of that discussion, is that what you are asking me?

The Court: Well, I suppose that word "discuss" has some peculiar meaning in the Communist Party—

Mr. Isserman: I object to that characterization.

—Tr. Tr. 11,272—

The Court: I will reform my question.

Did you mention to the class in that lecture the subject of the dictatorship of the proletariat?

The Witness: I didn't mention it at that lecture—

Mr. Isserman: Just a minute. First of all I wish to object to your Honor's question—

The Court: Mr. Isserman, I am not going to have any interference here. Now you will just go over there and sit down and then you can say what you want to say afterwards.

Now Mr. marshal, just escort Mr. Isserman over to the seat.

Mr. Isserman: I would like to make an objection to your Honor's question. Am I allowed to do it?

The Court: You have made it. Go back and sit down there.

(The marshal escorts Mr. Isserman to the seat.)

(Mr. Isserman rises.)

Mr. Isserman: Well, I rise now to object to your Honor's question.

The Court: Overruled.

(Mr. Isserman is seated.)

The Court: Now Mrs. Lightfoot, you will give me a direct and responsive answer to that question. In

—Tr. Tr. 11,273—

that lecture did you discuss the subject—did you mention the subject of the dictatorship of the proletariat?

Mr. Isserman: I object to that question.

The Court: Overruled.

Mr. Marshal, will you show Mr. Isserman to his seat?

Mr. Isserman: May I not stand at this point?

The Court: You will sit right down. I have had enough contemptuous conduct from you and I am not going to have any more.

Mr. Isserman: I am not aware of any contemptuous conduct.

The Court: Well, you will be aware, all right.

Mr. Isserman: I would like to object to your Honor's remark and I move for a mistrial because your Honor has made the defense impossible.

The Court: Mr. Marshal, get busy.

(Mr. Isserman sits down.)

The Court: (To witness) Now answer that question.

Mr. Isserman: I object to that.

The Court: Overruled.

The Witness: The question—may I hear the question again now; after so much I do not remember it.

The Court: The Reporter will read it—or I will ask you again:

—Tr. Tr. 11,274—

In that lecture did you mention the subject of the dictatorship of the proletariat?

Mr. Isserman: I object to that question.

The Court: Overruled.

A. In the beginning of that—

The Court: All right, I sustain the objection to that question. We will have no more of it.

Go ahead with your next question, Mr. Isserman.

Mr. Isserman: May I stand up?

The Court: Yes.

(General laughter in the courtroom.)

The Marshal: Quiet, please.

The Court: Temporarily.

Mr. Isserman: I object to your Honor's remark.

The Court: Oh, I am not going to stand for any

more nonsense from you or from any of your colleagues, Mr. Isserman.

Mr. Isserman: It seems we are getting it and not your Honor.

The Court: Yes. Well, you are going to follow what I am going to say, make no mistake about it.

Mr. Gladstein: I assign your Honor's remarks as misconduct.

The Court: Very well.

—Tr. Tr. 11,275—

Mr. Gladstein: And that includes the badgering tone and the bullying and blustering tone towards the witness.

The Court: Oh, there is nothing about my tone that is at all noisy or loud.

Mr. Gladstein: No witness can retain composure and dignity under the attack which your Honor has just levied during the last half hour. I assign it as misconduct.

The Court: I consider what you said as absolutely contemptuous, Mr. Gladstein. Now you can keep it up all you want but you do it against my orders.

(Mr. McGohey rises.)

The Court: Yes, Mr. McGohey; do you desire to say something?

Mr. McGohey: I desire to say that certainly your Honor's tone was not loud; there was nothing that I observed in the nature of badgering, and I suggest that now we be allowed to go on with the trial.

The Court: Yes.

Mr. Isserman: And I object to Mr. McGohey's remarks as not being in accord with the facts.

Mr. Gladstein: I would like to say that they are directly contrary to the facts, and I am willing, if your Honor will permit, to have a poll taken of the members of the jury and the people of the press and

—Tr. Tr. 11,276—

the people in attendance in this courtroom at this moment as to—

The Court: Mr. Gladstein, you know earlier in this trial I found that no matter how much leeway I gave counsel they just tried to put the whole administration of justice into disrepute by just the sort of conduct that you are now indulging in, and I tell you now in the most emphatic way that I know, without raising my voice, that you are to desist from that. It is wholly improper, as you must know, to talk about having the people in the courtroom polled and having the jury polled as to whether a statement made by somebody is accurate or not. That is all right perhaps in some place but it is not right or proper in a courtroom, and you must know that, so please let the matter go on.

* * * * * *

—Tr. Tr. 11,281—

Q. At whose instance did you give that course? A. That was a course given—

The Court: Why don't you just give the person's name? Who was it that told you to give that course?

Mr. Gladstein: Well, your Honor, I object to that. It may not have been a person.

The Court: Overruled.

Mr. Gladstein: I don't think you should direct the witness that way.

The Court: Read the question to the witness, please, Mr. Reporter, and see if we can stop this circumlocution.

(Question read.)

A. This course was given—

The Court: Now, Mrs. Lightfoot, you are going to say at whose instance it was. That means giving the name.

Mr. Isserman: I want to object to that question.

Mr. Gladstein: I want to object to the Court making a direction to this witness and pointing his finger at the witness in an intimidating way. I assign that as misconduct, your Honor.

The Court: Mr. Gladstein, you are perfectly wonderful the way you make these things up.

Mr. Gladstein: I beg your pardon?

—Tr. Tr. 11,282—

The Court: Oh, you go ahead now.

Mr. Gladstein: Does your Honor deny that you—

Mr. McGohey: Oh, if the Court please, can't we get on with the trial and stop this nonsense?

The Court: I raised my finger, and the rest of it is sheer imagination but done deliberately. I know what you are up to, Mr. Gladstein. You and your colleagues here are trying, and again and again have made positively false statements in the record

for the purpose of making me appear to be biased and prejudiced and to do the wrong things, that I am not doing. However, I am not going to sit silently by and have you do that.

Mr. Gladstein: I deny that part of your Honor's statement which charges me with making false statements.

The Court: I happen to be in charge of this case and I happen to be in charge of this court.

Mr. Gladstein: I know, your Honor, but I wish the record to show that I deny that part of your Honor's statement that charges me or my colleagues with any false statements, and I not only agree with but affirm that part of your Honor's statement which is to the effect that your Honor is biased and prejudiced.

. . . . . .

—Tr. Tr. 11,406—

New York, August 4, 1949

. . . . . .

Q. Now will you tell us what Mr. Ross said in this opening statement concerning why this school was being held? A. Well—

Mr. McGohey: I object to that, your Honor.

The Court: Mr. Hall, is your answer going to involve the matter of policy of the Communist Party as to the rights of Negroes, the policy of the Party relative to youth and young people, the policy of the Party as to veterans, the policy of the Party as to

organized labor, the policy of the Party as to Spain and China, or any of those subjects?

—Tr. Tr. 11,407—

Mr. Isserman: I object to that question.

The Court: Overruled.

The Witness: As I recall, the—

The Court: No. Is your answer—do you want the question read so that you can tell a little better?

The Witness: If Mr. Crockett would give me that question.

The Court: No, Mr. Crockett won't give it to you. The reporter will give it to you.

The Reporter: Mr. Crockett's question?

The Court: Yes.

(Question read.)

The Court: Now, will that answer involve any of the things I have set forth?

The Witness: Well, I can answer if I am prevented from saying that, and leave that part out, as he said other things.

The Court: But he said some of those things?

The Witness: He said some of those things also.

The Court: So that that question, although one would not have guessed it, will involve if you answer it fully those other subjects that I have just referred to?

Mr. Isserman: I object to that question and to the Court's remark contained in it.

—Tr. Tr. 11,408—

The Court: Objection overruled.

The Witness: If I limit myself only to his opening remarks on why the school was set up, but it would not include that.

The Court: I will allow the question. You may answer it.

Mr. Crockett: That is what I contemplated, if the Court please, in asking the question.

The Court: But I thought I had better get it clear, and it seems from the colloquy that I have just had with the witness, it seems I did have the right impression.

Mr. Crockett: We spent considerable time—

The Court: Go ahead.

Mr. Crockett: May I complete my statement? I say I spent considerable time in the formulation of these questions so as not to violate any of the orders which your Honor has made.

The Court: Well, I am inclined to follow my own course to make sure that the trial is not unduly prolonged and that merely cumulative evidence is now averted.

You may answer, Mr. Witness.

* * * * *

—Tr. Tr. 11,410—

Q. Now, I believe you said that he also said something about the task and the difficulties which the Party faced in the South, is that right? A. That is correct.

Q. Now, can you tell us what he said about that, bearing in mind the Court's direction that if he said anything about Negroes in the South then that will not be admissible, so

that to the extent that we except the Negroes in the South you may answer?

The Court: How can you say that, Mr. Crockett?

Mr. Crockett: That is my understanding of it, your Honor.

The Court: That is not what I said at all, but you had better ask your questions but try to do it without misconstruing my direction.

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—Tr. Tr. 11,434—

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Mr. Crockett: May I ask the Court to reconsider the matter and be heard briefly before—

The Court: No; no, you may not be heard. I considered the paper before, and I have looked at it again here, and I need no enlightenment as to that.

Mr. Crockett: Does your Honor recall the circumstances under which you considered this paper?

—Tr. Tr. 11,435—

The Court: I cannot remember the exact witness and the exact page of the testimony, but I remember enough about it to tell you that I desire no argument now.

Mr. Crockett: I am wondering if your Honor recalls that at that time it was offered by the Government?

Mr. Gordon: No, no.

Mr. Crockett: Not offered, rather, but identified, and a foundation sought to be laid by the Government.

Mr. McGohey: If the Court please—

The Court: I sustained the objection. I am not going to get started on another one of these wrangles. Let us just quietly go on to the next question.

Mr. Crockett: I assure the Court that I am not in the habit, and I am not aware of anyone else being in the habit of wrangling. I just want to clearly indicate the basis on which I offer this exhibit.

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—Tr. Tr. 11,495—

(The following occurred at 4:10 p.m. in chambers):

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—Tr. Tr. 11,501—

The Court: Well, I thought I observed, when I found it necessary to call upon the marshals yesterday, I thought I observed some conduct by some of the defendants that struck me as rather spurring Mr. Gladstein and Mr. Isserman to remain standing longer than they should. You know, I see a good deal

—Tr. Tr. 11,502—

from my place on the bench there, and I try to keep myself quite alert, but I confess I could not quite hear what was said, but I had my eyes open, and I don't intend to have any more disorder in this case, if I can avoid it, and I intend to use all the powers at my command to prevent that.

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—Tr. Tr. 11,516—

Mr. Isserman: Without evaluating those at this time, I do want to make this point, that whatever I

did I take full responsibility for and no defendant had anything to do with it whatsoever.

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—Tr. Tr. 11,609—

New York, August 8, 1949

. . . . . .

Q. Well now, let me ask you if you didn't testify on Friday at page 11,543 as follows in answer to a question by Mr. Sacher concerning the use of these pages by you in your teaching: did you not say, "I pointed out how these pages helps us to understand of how it would be possible for us to proceed along this path toward social-

—Tr. Tr. 11,610—

ism"? A. That is correct, sir.

Q. Very well. And you were referring to these pages 33 through 37 of Defendants' Exhibit 9 x Z? A. That is true, sir.

Q. I am reading from page 34—

The Court: What the witness is doing is looking at that paragraph, first full paragraph on page 20, to see if it is not word for word just as you read it from the outline.

Mr. McGohey: That is what I was about to say.

Q. Now, reading, "From a study of the objective processes of capitalism in their development and decline, the theory of Marxism arrives at the conclusion that the fall of the bourgeoisie and the seizure of power by the proletariat, and the replacement of capitalism by socialism are inevitable. Proletarian strategy may be considered truly

Marxist only when it makes this fundamental conclusion of the theory of Marxism the basis of its operations."

Isn't that word for word in that book? A. Yes, sir.

Mr. Sacher: But may I, your Honor, point out something that is in the record?

The Court: No, I am not going to have any interference with cross-examination, Mr. Sacher.

Mr. Sacher: But I submit this is misleading, your

—Tr. Tr. 11,611—

Honor.

The Court: Well, you will please cease making comments at this time, Mr. Sacher. I am determined to put a stop to that, and I shall.

Mr. McGohey: If the Court please, I offer that paragraph, the first full paragraph of page 20, in evidence.

Mr. Sacher: I would like to be heard in support of an objection, if I may, your Honor.

The Court: I don't want any argument on this. You object, do you?

Mr. Sacher: I do. I would like to point something out to your Honor that is true of the thing—

The Court: No, I don't want to hear anything on that.

Mr. Sacher: —that is offered—

The Court: I am too familiar with your methods.

Mr. Sacher: But there is nothing to be familiar about. I wish to point out something.

The Court: All you have to do is let the matter rest. You have objected and I have overruled your objection, and that is the end of the matter.

—Tr. Tr. 11 818—

New York, August 10, 1949.

* * * * *

Q. Mr. Thompson, at the 1945 convention the Communist Party reconstituted itself upon the basis of the principles of Marxism-Leninism. Will you state to this jury what is Marxism-Leninism?

Mr. McGohey: Objection.

The Court: Sustained.

Mr. Gladstein: May I call your Honor's attention to the state of the record—

The Court: No, I don't want to hear any argument about it.

Mr. Gladstein: But, your Honor—

The Court: I will hear what this witness directed to be taught, resolutions that he voted for setting up

—Tr. Tr. 11,819—

the schools and what was to be taught in the schools, and when the time comes, if it does, for him to testify what he taught and in particular schools, within certain limitations I will permit. I do not conceive the question before us to be one which makes that question relevant.

Mr. Gladstein: Would your Honor notice that in the record your Honor permitted the witness Budenz to be asked precisely that question and to give an answer to it?

The Court: You know, I just told you I didn't desire to hear argument but you wanted to get that

point in and so again you have become contemptuous. Go ahead.

Mr. Gladstein: May I ask the witness the very same question that Mr. McGohey asked, your Honor?

The Court: I tell you, Mr. Gladstein, again, I do not desire to hear argument.

Mr. Gladstein: I do not want to argue but I am asking permission—

The Court: No, you are arguing, and you are again contemptuous.

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—Tr. Tr. 12,084—

New York, August 12, 1949

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Mr. Gladstein: I imagine the sentence has sentences before it and sentences afterward to make clear what the author is doing. It is quite different from—

The Court: Do you remember what I said about arguing—

Mr. Gladstein: —Mr. Gordon asking—

The Court: Mr. Gladstein, you are placing yourself in contempt again by arguing without my leave.

Mr. Gladstein: I am sorry. I didn't mean to do that, your Honor.

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—Tr. Tr. 12,129—

New York, August 15, 1949

* * * * *

Q. Mr. Johnson, are you a veteran of any war?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Have you received any awards from the United States Government?

Mr. Gordon: Objection?
The Court: Sustained.

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—Tr. Tr. 12,132—

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Q. What was the approximate membership of the Communist Party in New York County between January 1946 and July 20, 1948?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Is the membership of the Communist Party, or was the membership of the Communist Party in New York County between January 1946 and July 20, 1948, the largest in any county in the State of New York?

Mr. Gordon: Objection.
The Court: Sustained.

Q. As chairman of the New York County Education Committee, was it a part of your responsibilities to arrange the agenda for the meetings of the Committee?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Did you in your capacity as chairman of the New York County Education Committee in the period January 1946 to July 20, 1948, arrange the agenda for the meetings of the Committee? A. Yes, I did.

Q. And did you preside over those meetings? A. Yes, I did.

Q. And did you carry out or supervise the carrying out

—Tr. Tr. 12,133—

of the Committee's decisions? A. Yes, I did.

Q. Can you tell us how frequently the New York County Education Committee met during the period January 1946 to July 1948?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Did the New York County Education Committee hold meetings between the period January 1946 and July 20, 1948?

Mr. Gordon: Objection.
The Court: Sustained.
Get down to business, Mr. Crockett.
Mr. Crockett: I am trying to get this preliminary information established, your Honor.

The Court: Well, get right to work. If there is some particular meeting, get to it.

Q. Did you attend the meetings of the New York County Education Committee between January 1946 and July 1948?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Where were the meetings of the County Education Committee held in the period January 1946 to July 20, 1948?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Can you tell us what the educational activities of the New York County Education Committee were between

—Tr. Tr. 12,134—

January 1946 and July 20, 1948?

Mr. Gordon: Objection.
The Court Sustained.
These generalities are out, Mr. Crockett. You must realize that now.

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—Tr. Tr. 12,260—

New York, August 16, 1949

* * * * *

Q. Is that located in Manhattan? A. Yes, it is.

Q. In what section of Manhattan? A. In what is popularly known as Sugar Hill. It is around 145th Street and St. Nicholas Avenue.

Q. And was the Freedom Road Club—by the way, did you have anything to do with the selection of that name for the club? A. Well, yes. I participated in the club discussion. We based it on the book by Howard Fast which—

Mr. Gordon: Well, I object to this. I thought he was going to say yes or no, your Honor, and it would simplify it.

The Court: I think that is an assumption you ought not to make.

Mr. Gordon: I object to it.

The Court: I sustain the objection.

Q. Is the Freedom Road Club a part of any section in the Communist Party? A. Yes. It was at that time a part of the Harlem Division of the Communist Party.

Q. Now, from your experience as county education director during that period, and using as an example your own club, the Freedom Road Club, will you tell us what the educational structure or apparatus of the Communist Party is on the club level?

Mr. Gordon: Objection.

The Court: Sustained.

—Tr. Tr. 12,261—

Q. What educational officers are there in the Communist Party clubs? A. Generally, the club has the educational director, a literature director, and a press director. According to the size of the club, those three officers may be combined in one person.

Q. Now, are the press director and the literature director assistants to the educational director of the club?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Now, what are the duties of an educational director of the Communist Party club?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Is there also an educational director of a section? A. Yes, sections generally have educational directors.

Q. Do sections also have educational committees? A. Yes, they do.

Q. Are those committees elected or appointed?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Are the educational directors of clubs in a section members of the section education committee?

Mr. Gordon: Objection.
The Court: Sustained.

—Tr. Tr. 12,262—

Q. I believe you mentioned yesterday in your testimony that the General Education Department of the Party's educational work also supervised the educational discussions in Communist Party clubs, and that you also had periodic examinations to see what was being discussed in the clubs and to criticize any variations from what the Party felt was the Party's policy in those discussions; is that right?

Mr. Gordon: Objection.

The Court: Sustained.

Why don't you get down to work, Mr. Crockett, instead of all this fooling around, repetition?

Mr. Crockett: I must disagree with your Honor's statement that it is repetitious.

The Court: All right. This case is going to move now. I told you so. I am not going to have all this repetition going on ad infinitum.

Mr. Crockett: I am as anxious as the Court is for the case to move.

The Court: All right, do as you choose.

Mr. Crockett: But I am trying to lay a foundation for bringing out certain information.

The Court: You do not have to lay a foundation for proving the same thing a half dozen times and repeating it and repeating it. Now go ahead.

Q. Can you tell us, Mr. Johnson, what is the educational

—Tr. Tr. 12,263—

structure of the Communist Party beginning with the clubs and moving up to the National Committee, the National Education Committee?

Mr. Gordon: Objection.

The Court: Sustained. I just sustained an objection to that same question three minutes ago.

Mr. Crockett: I must respectfully disagree with the Court. That is the first time I put that question. The former question had to do with the apparatus on the club levels and on the section levels.

The Court: Well, maybe there has been some little change, but we have had so much about that that there can't be any doubt in anybody's mind.

Mr. Crockett: There has been no witness presented by the defense who discussed the structure.

The Court: Yes, you have had other witnesses by the defense testifying at great length and on the same subject. Now come down to some specific thing you want to prove.

Mr. Crockett: I recall the witness Meyer, who was called by the prosecution, was permitted to give what he considered the over-all educational structure of the Party.

The Court: I don't want any argument, Mr. Crockett. Please go ahead.

Q. Do you know, Mr. Johnson, approximately how many —Tr. Tr. 12,264— Party clubs there were in New York County in the period January 1946 to July 20, 1948? A. It varied during that period from about 440 clubs to—over four or five hundred.

The Court: 440 to 500?

The Witness: From 400 to 500.

The Court: From 400 to 500?
The Witness: Yes.

Q. Now, approximately how frequently do clubs meet in the New York County area?

Mr. Gordon: Objection.
The Court: Sustained.

Q. How often did your club meet?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Was there generally a discussion period conducted as a part of the club meeting?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Did you in your capacity as county education director, or as a member of the County Education Committee ever recommend any material to any of these clubs for discussion?

Mr. Gordon: Objection.
The Court: Sustained.

Q. What, if any, supervision by the County Education Committee during the period that I have referred to ex-

—Tr. Tr. 12,265—

ercise over the subject matter that was being discussed in the Communist Party clubs in New York County?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Was there any machinery, Mr. Johnson, by which the County Education Committee could keep abreast of what was being discussed in the various Party clubs in the New York area during the period January 1946 to July 20, 1948?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Was there any requirement that each club of the Communist Party in New York County during the period that I have just referred to make periodic reports to the County Education Committee or to the County Education Director?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Did the clubs in New York County in the period that I have referred to make reports to their Section Education Department concerning the discussions being conducted by those clubs during that period?

Mr. Gordon: Objection.
The Court: Sustained.

Q. Do you recall any meetings of section education directors with you or with the New York County Education

Committee in the period January 1946 to July 20, 1948, at

which reports were received concerning discussions in Communist Party clubs?

Mr. Gordon: Objection.

The Court: Sustained.

Q. Do you recall any such periods at which reports were made, and if so, by whom and when?

Mr. Gordon: Objection.

The Court: Sustained. Better get down to cases. The generalities are over.

Mr. Crockett: I can't understand the Court's last remark about getting down to cases.

The Court: Well, if you read the record you will find that most of the material you have just been talking about are all in there by this same witness. Now, if you have some specific thing get to it instead of these generalities. I tried to make that clear but evidently without much success.

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—Tr. Tr. 12,321—

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Q. Did you and Mr. Gates serve in the same outfit overseas?

Mr. Gordon: Objection.

A. No, we did not.

The Court: Sustained. Strike out the answer.

. . . . . .

—Tr. Tr. 12,322—

Q. And how long have you known Mr. Dennis? A. I have known of Mr. Dennis's work for the past ten or eleven years, and I have known him personally since I returned from the Army.

The Court: Since what?

The Witness: Since I returned from the Army.

The Court: Strike that out.

Q. Do you know the defendant—

The Court: Don't you know I have sustained objections to that, and you are doing what so many other witnesses do: the minute I sustain an objection to something you make some excuse to bring it in. Now, that is out of the case.

Mr. Crockett: Your Honor, it struck me that that came out very naturally. A person who has been in the Army—

—Tr. Tr. 12,323—

The Court: Well, it did not strike me that way, Mr. Crockett. This is the second time. You see the first, only a moment ago, was the voluntary statement of something about serving with Mr. Gates, the only purport of which could have been to bring out that he was in the Army. Now, I sustained an objection to the question and that isn't in the case.* It makes no difference here whether this witness was in the Army, or was not in the Army. Now, let us just try to follow the rulings here and not this

* See *supra*, printed page 655a, Tr. Tr. 12,129.

continual frustration of them that we have had here. If I were stupid and did not notice it, why, it might be one thing, but I see it every time.

Mr. Crockett: I respectfully object to the Court's remarks which imply that there had been any attempt to frustrate any rulings on the part of myself, or my colleagues.

Q. Mr. Johnson—

The Court: Well, there certainly has been, and I do not want to have the record in the slightest degree doubtful about that. You and your colleagues have been doing plenty.

Mr. Crockett: It seems as though we have the right to express an opinion.

. . . . . .

—Tr. Tr. 12,353—

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Q. Now, is it your testimony, then, that anyone who talks about revolution as meaning violence is foolish? A. I agree with the way in which it was put by Judge Sherwin in this court in Maryland who just ruled the Ober Bill unconstitutional. He stated—

Q. Mr. Johnson, please— A. (Continning) He stated that—

Q. Mr. Johnson, please—

Mr. Gladstein: Just a moment. I object to the interference with the witness's testimony. I also object

—Tr. Tr. 12,354—

to the tone and manner which Mr. Gordon has adopted, and I again now ask the Court to admonish Mr. Gordon so he will behave as a counselor at law ought to.

Mr. Gordon: Would your Honor admonish Mr. Gladstein—

The Court: Well, I don't feel in the mood to admonish anybody. But it seems to me perfectly evident what the question was that was asked, and he proceeds to say something that is absolutely not responsive. Now I do not see how anybody can contend that it is, but let us not waste time on that. Let us have the question put to the witness again.

Mr. Gordon: Let me reframe it.

Q. Did you in discussing the matter with the teachers or in any of your teaching ever give to the students any discussion or definition of revolution as it may appear in the Marxist-Leninist classics?

Mr. Crockett: I object, your Honor, unless Mr. Gordon is specifying some particular classic by some particular author.

The Court: I think he will get around to it in a minute. Overruled.

Mr. Crockett: I thought we were not having these general questions, though.

—Tr. Tr. 12,355—

The Court: Well, you see, I get the import of what you say. You are just trying to make it appear, perhaps for the benefit of the spectators, that

Broms—Redirect
Colloquy

I ruled one way this morning as to your general questions and that I am so prejudiced and biased that I ruled just the opposite on similar questions put by Mr. Gordon. Now, you know there is nothing in that. These questions are put on cross-examination here and they are perfectly proper, and I suggest that those little ironical insinuations be omitted.

Go ahead, Mr. Gordon.

Mr. Crockett: I want to object to the Court's reference that whenever I get up to speak I am speaking for the spectators. I register my objection to the—

The Court: Well, I don't think you do it whenever you get up.

. . . . . .

—Tr. Tr. 12,536—

New York, August 17, 1949

. . . . . .

Q. Why did you come here? A. To study music.

Mr. McGohey: Objection.

The Court: Sustained, sustained; no more of those whys; then we are good for two hours.

—Tr. Tr. 12,537—

Mr. Gladstein: But he just answered in one sentence.

The Court: No, sir.

Mr. Gladstein: But he did.

Mr. McGohey: Well, if there is an answer I move that he stricken, even though there was one word.

The Court: Well, I did not hear it, but I will strike out the answer. There will be no more of those whys, hows and "under what circumstances"—no more of that.

Q. Mr. Broms, did you come to New York for any reason connected with your membership in the Communist Party or for any other reason?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you come to New York City to study voice?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Are you a student of music?

Mr. McGohey: Objection.
The Court: Sustained

Q. What has your occupation been since 1946 when you came to New York?

Mr. McGohey: Objection.
The Court: Sustained.

—Tr. Tr. 12,537-A—

Q. Are you a professional singer?

Mr. McGohey: Objection.
The Court: Sustained.
Mr. Gladstein: In view of the questions on cross, your Honor sustains the objections?

The Court: I don't want any argument, Mr. Gladstein. You start it so easily.

—Tr. Tr. 12,538—

Mr. Gladstein: It is no argument; it is just amazement that I am expressing.

The Court: I know, but I wouldn't express the amazement too forcibly.

Q. Where were you between April 1941 and September 1945?

Mr. McGohey: Objection.

The Court: Sustained. He has already indicated.

Q. You have an honorable discharge from the United States Army?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you serve overseas?

Mr. McGohey: Objection.

The Court: You know, Mr. Gladstein, this type of question that you have been asking here is the type that I have explicitly told you that I was not going to permit any more. Now this man is not a defendant. These matters have nothing to do with the case, and I think when you hear me rule half a dozen times it would be well, if you can do it, to just follow the indication of my rulings instead of keep plugging away, to perhaps leave some impression

that the subject matter of your questions is a matter of fact.

Mr. Gladstein: Your Honor, may I point out that

—Tr. Tr. 12,539—

I am seeking this testimony on redirect after there has been a cross-examination which raises a question—

The Court: Yes, I am quite aware of that. I don't want to argue any further about it.

Mr. Gladstein: My point is there is a difference between offering this on direct and offering it on redirect.

The Court: I realize it but I see nothing in the cross-examination to warrant these inquiries.

Mr. Gladstein: May I make an offer of proof?

The Court: No.

Mr. McGohey: I object to that.

The Court: We are not going to have any more offers of proof.

Mr. Gladstein: Well, I would like to have the record show that I desire to make—

The Court: You may do so.

Mr. Gladstein: —an offer of proof, and the citation—

The Court: You know, I have said before when you asked a question—

Mr. Gladstein: —and—

Mr. McGohey: Just a minute. Did your Honor hear what he said?

The Court: Well, I did not hear what he said.

Mr. McGohey: After your Honor has twice said

—Tr. Tr. 12,540—

he won't have an offer of proof, then Mr. Gladstein said he wants to make an offer of proof and states—and he makes in his statement the circumstances and the fact that he wants to bring out. It is a direct violation.

The Court: Well, I think if you did that, Mr. Gladstein, it is very wrong, and it just adds to the accumulation of things you have done here contrary to my direction; but let us drop it there.

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—Tr. Tr. 12,566—

New York, August 18, 1949

Mr. Isserman: It is directly relevant to the issues in this case, and it is a matter of direct refutation, if the Court please.

The Court: You want to prove they threw Budenz out?

Mr. Isserman: No, we want to prove a change in duties and taking away many duties from Mr. Budenz which this witness took over.

The Court: Did Mr. Budenz testify that this was not so?

Mr. Isserman: Mr. Budenz testified he performed certain duties which are included in the duties which this witness took over and which Mr. Budenz did not perform.

The Court: Let me see the page. If it is something that Budenz testified that you desire to refute, I will allow it.

Mr. McGohey: And I suggest, your Honor, that you remind counsel that there is a way to do it, not this way.

The Court: I asked for the page, Mr. Isserman.

Mr. Isserman: Page 1403, page 1405—

The Court: Wait a minute.

Mr. Isserman: Pages 1403, 1404 and 1405 are the pages I am referring to at this moment.

The Court: Now, if you will just pause for a mo-

—Tr. Tr. 12,567—

ment until I glance at them. (Examining.)

Mr. Isserman: There is also considerable matter on cross-examination with reference to Mr. Budenz's duties.

Mr. McGohey: Now, if the Court please—

The Court: If you have another page you desire to refer me to just find it. I find nothing on pages 1403 to 1405 which bears upon it.

Mr. Isserman: There is discussion of supervision and duties in connection with—

The Court: No, I don't want argument on it, Mr. Isserman. I want the other page that you have reference to.

Mr. Isserman: I refer to page—well, specifically on 1405, if the Court please, there is reference to—

The Court: I don't want argument on it, Mr. Isserman. I have read those pages.

Mr. Isserman: May I call attention to the testimony on the telephone?

The Court: No. I have just read it.

Mr. Isserman: There is a reference to duties on 1835 of the transcript.

The Court: 1835? Just a moment. (Examining.)
I sustain the objection. Pass on to something different.

—Tr. Tr. 12,568—

By Mr. Isserman:

Q. Before November 1942 will you tell me where Mr. Budenz's office was located?

Mr. McGohey: Objection.
The Court: Sustained.

Q. I call your attention to the following testimony of Mr. Budenz, page 1405—

The Court: Mr. Isserman, I will not permit you to read it, because I take it it is a way of circumventing my direction that there be no argument on it. I have read those pages. You just referred me to them. Go on to something else.

Mr. Isserman: Do I understand your Honor's ruling that I may ask no questions on matter contained on pages 1403—

The Court: No—

Mr. Isserman: —1404 and 1405 of the transcript?

The Court: —I am ruling just the opposite. I am ruling that the incident that you are trying to put in evidence here does not controvert what appears on those pages, and I am not going to allow you to go into that subject any further.

Mr. Isserman: I am going on to the specific refutation of the matter on that page.

The Court: Well, I know you pretty well by now,

—Tr. Tr. 12,569—

Mr. Isserman, and I suspect you say that but it will turn out to be this same incident, and that incident is not going in.

Mr. Isserman: I object to your Honor's remark with respect to my intention.

The Court: All right.

Mr. Isserman: May I not read any portion of pages 1403, 1404 and 1405? Your Honor directs me—

The Court: You may not read them now. You will pass on to some other subject now.

Mr. Isserman: May I object to your Honor's ruling?

The Court: You may.

Mr. Isserman: Will your Honor advise me as to when I may refer to those pages?

The Court: No.

Mr. Isserman: My order of examination requires that I do it now, if the Court please.

May I do it now?

The Court: That is just one of those things that you want to do and you are not going to do. Now go ahead.

Mr. Isserman: Well, I would like some direction from the Court as to when I will be allowed to ask questions on those three pages. May I have such direction?

—Tr. Tr. 12,570—

The Court: You are not going to get any further

direction, and I am not going to get into a wrangle with you. If you keep this up I will take some steps to make you either go ahead or withdraw this witness.

Mr. Isserman: I object to your Honor's remarks and will proceed as directed, over objection.

The Court: That is good judgment.

Mr. Isserman: I object to that remark.

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—Tr. Tr. 12,615—

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Defendant Dennis: I think it should be clear to everyone present—

The Court: Well, I am the one that is important. Don't worry about the spectators.

Defendant Dennis: I include your Honor, of course —that what is now raised in the court is not some secondary or minor technical point of law. The proposition which is being advanced here is one which, in effect, can only be considered to disrupt and throttle the defense or to compel the defense

—Tr. Tr. 12,616—

and witnesses whom we produce to become instruments of the prosecution, and otherwise it is being inferred that we would be prevented from presenting our evidence on our case. I think should be clearly grasped. We have been prevented from fully and adequately—by various rulings of the Court, from presenting fully what we advocate, what we teach, and bringing out—

The Court: How can you say that when witness after witness is put on and refuses to answer this question, refuses to answer that question; then you say you are prevented from fully developing your defense. It seems to me ridiculous.

Defendant Dennis: We have been prevented also from bringing out fully the real issues in the trial, the efforts to surpress the political rights of an American working class party and with it the Bill of Rights.

The Court: Well don't change the subject now.

Defendant Dennis: And now there are limitations of the severest kind being placed even on our right and obligation to rebut testimony which has been introduced by false witnesses in behalf of the prosecution, and I think—

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—Tr. Tr. 12,724—

New York, August 19, 1949

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Mr. Isserman: May I make a statement in respect to this?

The Court: I don't require any, Mr. Isserman.

Mr. Isserman: I would like to make one if the Court will permit me to make one.

The Court: I don't desire to hear any; I think I am pretty familiar with the record as to this phase of the case.

Mr. Isserman: This is not a matter of record.

This is a matter of some new evidence, if the Court please.

The Court: Well, I can tell from your questions what you are trying to prove, I think.

Mr. Isserman: May I state what I am trying to prove?

The Court: No, I don't want to hear any more of these offers of proof.

Q. At this particular meeting concerning which you have just testified, will you tell us what the subject of the discussion was?

Mr. McGohey: Objection.

—Tr. Tr. 12,725—

The Court: Sustained.

Mr. Isserman: May I have a moment, please?

The Court: Yes.

(Mr. Isserman confers with Defendant Dennis.)

The Court: If you desire to call my attention to some portion of the record where some witnesses on behalf of the Government testified to something which you are now attempting to refute, I will permit a reference to the page of the record.

Mr. Isserman: This is not a matter of refutation—

The Court: Very well.

Mr. Isserman: —but it is evidence on another point.

Mr. Sacher: May I inquire whether you won't receive evidence on motivation? That is what the purpose of this testimony is, your Honor.

The Court: Well, I suppose when I tell one of you not to make a statement the other gets up and makes it. I don't desire to say anything further about it and I don't want any argument.

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—Tr. Tr. 12,809—

New York, August 22, 1949

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Mr. Isserman: I object to that question.

The Court: Overruled.

Now, Mr. Isserman, once in a while, I think about every fourth objection, you might rise from your seat in the customary way.

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—Tr. Tr. 12,822—

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Mr. Sacher: Now, if the Court please, I don't understand where I am. Budenz was permitted to testify—

The Court: Now I don't want any argument, Mr. Sacher. I have made certain rulings here that are very explicit and clear. If you have read the record you must know them. If you have read the record

and you don't remember them that is not my fault.

Mr. Sacher: But I fixed the time; I fixed the place now—

The Court: I don't want argument. I will not have it, Mr. Sacher. You ask your questions. If there is some part of the Government proof that you are about to try to rebut, you better get right down to it and be specific.

—Tr. Tr. 12,823—

Mr. Sacher: Is it necessary that I must point it out on the record when I want to rebut it?

The Court: The question must be clear to me if its relevancy is such that I may allow it. These generalities—

Mr. Sacher: Well, I must confess, your Honor, this is the first time I have ever had to practice that way.

The Court: Don't become impertinent, Mr. Sacher.

Mr. Sacher: It is a statement of fact. There is nothing impertinent about it, sir.

The Court: There is something impertinent about it. It is deliberately contemptuous and I so find.

Mr. Sacher: I object to your Honor's finding. I find nothing contemptuous in it, and I respectfully ask the Court to give me a moment—

The Court: Please be silent, Mr. Sacher. As to these comments, please stop that.

* * * * *

—Tr. Tr. 12,851—

Q. How long prior to the adoption of the constitution had you been a member of the Communist Party?

Mr. McGohey: Objection.
The Court: Sustained.

Q. In the language addressed to Mr Budenz, Dr. Aptheker, I draw your attention to the first sentence of the second paragraph of the preamble of the constitution as it appears on page 3 of Government's Exhibit 26 in evidence, and I ask you if it does not read as follows:

> "The Communist Party upholds the achievements of American democracy and defends the United States Constitution and its Bill of Rights against its reactionary enemies who would destroy democracy and popular liberties."

It reads that way, does it not? A. Yes, sir.

Q. Now I ask you in the language put to Mr. Budenz, what was the meaning of "reactionary enemies" to you and those who were working with you at that time in the Communist Party?

Mr. McGohey: Objection.
The Court: Sustained.
Mr. Sacher: Will your Honor excuse me just a moment, please?
The Court: Yes.

(Mr. Sacher confers with counsel.)

—Tr. Tr. 12,852—

Q. Dr. Aptheker, did you in the year 1938 write a book called "Negro and the Civil War"?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you in 1939 write the book called "Negro Slavery Votes in the United States 1526 to 1860"?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you in 1940 write a book entitled "The Negro in the American Revolution"?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you in 1941 write a book entitled "The Negro in the Abolitionists Movement"?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you in 1945 write a book entitled "Essays in the History of the American Negro People"?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you in 1948 prior to July 20th, write a book entitled "To Be Free. Studies in American Negro History."

Mr. McGohey: Objection.
The Court: Sustained. You better get down to cases pretty soon, Mr. Sacher.

—Tr. Tr. 12,853—

Q. Did those books embody the teachings of Marxism-Leninism?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you use the books which I have mentioned in your teachings in Communist Party schools?

Mr. McGohey: Objection.
The Court: Sustained.
Mr. Sacher: In view of your Honor's rulings I find it utterly impossible to lay before the jury the teachings of the Communist Party in regard to important matters concerning which the witness Budenz was interrogated and was permitted to testify, and in those circumstances I find it impossible to proceed with the further examination of this witness.

. . . . . .

—Tr. Tr. 12,873—

By the Court:

Q. Now, I have a sort of a recollection that there was something in the Manifesto that said, "Of course what I am saying here does not apply to Great Britain and America." Do you remember such a thing as that? A. I don't remember, your Honor.

Q. Am I wrong about that, or was there some other paper? I have a recollection of somebody producing the book or pamphlet here in which in substance the writer said, "Now, all these rules about the dictatorship of the proletariat, and

sion, they apply to these European countries, but they do not apply to Great Britain and America." You do not have any recollection of anything like that? A. No, your Honor, I have not.

Q. I thought that was the origin of this American exceptionalism, that somebody had said they were different, and there was proof in the case here that while somebody did say they were different, along came some other people later and said, "Oh, no, there is no real difference; it is just like all the rest of them." You don't remember anything like that? A. No.

Q. All right. A. I remember this much. I remember that the laws governing social development apply in America just the same as the laws of physics and chemistry.

Q. Yes, that is what they say now. But the question I

—Tr. Tr. 12,874—

asked was whether there was not a time in one of these books where somebody had indicated that at that time it was different. Now let me just look a little bit. A. I would like to differentiate, your Honor, though, between a law of social development and a conclusion such as the dictatorship of the proletariat.

Q. Well, you already drew that differentiation. That was the purport of your answer to the question. You know, I am smart; I catch onto those things. I saw that right away.

Mr. McGohey: Does your Honor have State and Revolution, Exhibit 53?

The Court: State and Revolution?

Mr. McGohey: Foundations of Leninism, rather.

The Court: Yes, I have it.

Mr. McGohey: I suggest your Honor turn to page 56.

The Court: Exhibit 33, Foundations of Leninism?

Mr. McGohey: Yes.

The Court: Page 56?

Mr. McGohey: Yes. I think that is what your Honor is referring to—Your Honor, I am misleading you. It is 55 and 56.

The Court: Yes, that is just it, "Marx's qualifying phrase."

—Tr. Tr. 12,875—

Now, where is that qualifying phrase? Marx says "for every real people's revolution on the Continent." And so in this Foundations of Leninism by Joseph Stalin, he says:

"Marx's qualifying phrase about the Continent gave the opportunists and Mensheviks of all countries a pretext for proclaiming that Marx had thus conceded the possibility of the peaceful evolution of bourgeois democracy into a proletarian democracy, at least in certain countries outside the European continent (England, America)."

Now, you remember all about that, don't you?

The Witness: I remember having read this passage.

The Court: But as you testified, that has nothing to do with American exceptionalism, does it?

The Witness: Well, I would not say that has nothing to do with American exceptionalism.

The Court: Well, maybe it is American exceptionalism in its essence.

Mr. Crockett: Maybe I can help your Honor by asking the witness to explain what, if any, connection this has to do with his understanding of American exceptionalism.

The Court: Well, is that American exceptionalism, even that part right there that you have before you

—Tr. Tr. 12,876—

in that book?

The Witness: Well, what the writer here is pointing out is that certain theoreticians have taken Marxist's qualifying statement or phrase and they have blown it into a theory of exceptionalism. That is what he says.

The Court: And that is Joseph Stalin that is saying that.

The Witness: All right. That is what he says.

The Court: That ought to make it so, oughtn't it?

The Witness: Well, your Honor,—

The Court: All right.

Mr. Sacher I wish to object to your Honor's method of interrogation and the observation that you made and the tone in which you made it.

The Court: Very well, Mr. Sacher, you have in a deliberately false manner stated something about my conduct, and I will not permit you to do it ever without making it clear that it is a false and completely wrong statement. There was nothing in my manner, nothing in my tone, no gesture or anything that I did that could possibly warrant that comment of yours.

—Tr. Tr. 12,891—

Q. I notice that section refers, Mr. Berry, to American democracy and on several occasions the Court has inquired what the Communists meant by democracy. I ask you to tell us what the Communists mean by democracy?

Mr. McGohey: Objection.

The Court: I will allow it.

A. Well, the best illustration I could give, Mr. Crockett to that is the program of the Communist Party on the Negro question.

Now you will note, and I think it is pretty well known, that the Communist Party program—

Mr. McGohey: If the Court please—

The Court: Yes, I am afraid I made a mistake.

Mr. McGohey: On the basis of the answer so far this can't be a definition.

The Court: No. It is like that "American exceptionalism." Instead of getting a definition we get into a long discussion.

Now you can define what the Communists' understanding is of democracy without going into all these illustrations, I am very sure, and why don't you just try to do that?

Mr. Crockett: And maybe I should inform you,

—Tr. Tr. 12,892—

Mr. Berry, that the Court has already ruled that it does not desire to hear any more testimony about Negroes, and realizing that you are a Negro—

Berry—Direct
Colloquy

The Court: I did not say I did not want to hear any more testimony about Negroes—

Mr. Crockett: I thought your Honor has ruled—

The Court: What I said was that I did not want to have any more testimony about what I called peripheral issues, which includes the grievances of veterans and what the Communists are going to do for them; it includes housewives; it includes a great variety of other subjects besides the question of lynchings and Jim Crowism and all that sort of business. And I said as to them, those peripheral issues have been gone over again and again here, that the position of the Communist Party and of these defendants is most explicit and I did not want any more repetition on it. That is what I said.

Mr. Crockett: I might point out—

The Court: I did not say I did not want any more testimony about Negroes and I can't imagine why you said such a thing.

Mr. Crockett: On the contrary, my reading of the transcript, as well as my ears, tell me that, having sat through days of the trial, your Honor has said you did not want to hear any more testimony about

—Tr. Tr. 12,893—

the Negro question.

The Court: Well, you see there is something different between the Negro question and any testimony about Negroes.

Mr. Crockett: Your Honor, I just can't talk about Negroes without—

The Court: Now I do not want to argue with you,

Mr. Crockett. If this witness is going to give a definition of what Communists meant by democracy in the ordinary way that people give definitions, I will allow it. If he wants to go on by illustrations and make what is substantially an address on the subject, I shall not have it. Now you must make up your mind.

Now, Mr. Berry, don't you think you can tell us and give us the definition of democracy as understood by the Communists and in the Communist Party without going into a long statement with illustrations?

The Witness: I will attempt it, your Honor.

The Court: Well, you see here I do not want—

The Witness: I think I can do it.

The Court: —to seem unkind about things; and I do not like to shut off people when they start explaining something. And if you can do it by giving a definition and do it briefly, I will be very glad to let you do it. Now don't you think you can do that?

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—Tr. Tr. 13,084—

New York, August 25, 1949

By Mr. Gladstein:

Q. Those stick in your mind and the others you are not sure of, is that what you wish to say?

Mr. McGohey: Objection. That is not what he said.

Mr. Gladstein: Well, I am asking him.

The Court: Don't you think you might better allow him give his best explanation?

Mr. McGohey: I object to the form of the question.

Mr. Gladstein: Your Honor said he couldn't, and that is why I asked the question.

Mr. McGohey: I object to the form of the question.

The Court: Well,—

Mr. Gladstein: I will withdraw it.

The Court: I will ask him myself.

By the Court:

Q. Give your own explanation in your own way and what you're explaining to us is how it comes about that you can remember that at these three meetings on three successive

—Tr. Tr. 13,085—

Fridays in June and July, 1945, when the sessions were from nine to one each of those days, that there was there on each occasion yourself, Budenz, Stachel, Max, Starobin and Allen, but although there were about 60 there in all, all of whom must have been there, or some of them at least, pretty well known to you, you can't remember any one of the rest of them. That is what you're explaining. A. Yes, and I appreciate the opportunity of explaining.

Q. Go ahead and do it. A. The staff of the Daily Worker is a large staff; that is, approximately 60 people, 60 present at these meetings, and staff meetings of the Daily Worker were held on many other occasions.

It is very difficult to separate in one's mind the people who were present at one specific occasion or another specific occasion unless there were unusual circumstances

attached to the participation of the individuals in one or another meeting.

Now, there were unusual circumstances attached to these three meetings. The fact that Budenz was chairman I recall because he was chairman.

I recall the presence of Alan Max because it was he who as the effective managing editor of the paper was responsible for arranging the meetings of the editorial board.

—Tr. Tr. 13,086—

I recall distinctly the presence of Mr. Allen and Mr. Stachel because the discussion that developed between them was one on which other speakers, including myself, commented in the course of the discussion. They were, as it were, principals in the discussion in the sense that the issue that they raised became focuses of the discussion.

I remember the presence of Mr. Starobin, because on each of the three occasions, following each of the three occasions I discussed the contents of the meetings with him at lunch.

I don't recall the specific individuals present other than these, because it is impossible to make a separation between people who were present at one meeting or another unless there are these unusual circumstances.

Q. Now, all these 60 per cents, or whatever the numbers were, were members of the staff, weren't they? A. (No answer.)

Q. I think you just said so. A. I believe they were. I couldn't—

Q. Well, that is your best recollection? A. It was called a staff meeting.

Q. But I say that is your best recollection? A. I didn't—

Q. You said so a moment ago. Do you want to take it

—Tr. Tr. 13,087—

back now? A. No.

Sillen—Cross
Colloquy

Mr. Gladstein: Just a moment. I object to the way your Honor is doing that.

The Court: Overruled.

Mr. Gladstein: Let the witness speak.

The Court: Oh, I will let him speak, Mr. Gladstein.

Mr. Gladstein: No, you have not, your Honor.

The Court: Do you want to give him a little time to think?

Do you desire more time to think?

Mr. Gladstein: No, just an opportunity to speak and answer what you say.

The Court: Yes. Well, you're always helpful, Mr. Gladstein.

Mr. Gladstein: I try to be, your Honor.

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—Tr. Tr. 13,116—

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The Witness: Well, I wanted to explain why I had a special reason for remembering the discussion between Mr. Allen or the discussion in which Mr. Allen and Mr. Stachel were involved in these meetings of June and July 1945—

Mr. McGohey: Now, may I interrupt for just a minute, Doctor, please?

The Witness: May I proceed?

The Court: Just a moment. There is no rush

—Tr. Tr. 13,117—

about this.

The Witness: All right.

Sillen—Cross
Colloquy

The Court: You are going to get a chance to give your explanation. There is just one thing I want you to bear in mind, that when I sustain objections, as I did to that issue of the Daily Worker, I do not like to have a witness bring the matter right in again on the bias. I want you to bear that in mind.

Now, what is it you have on your mind, Mr. McGohey?

Mr. McGohey: I understood the explanation the witness desired to make was an explanation of why he remembered the names of some people and not the names of others—

Mr. Gladstein: No—

The Court: No, I don't think so. I think what he wanted to explain—he brought it up himself, it is true,—

Mr. McGohey: Yes?

The Court: —but what he wanted to explain was how he happened to remember what these two men had said. He brought it up himself, but he wants to explain it, and I am disposed to give him an opportunity to do so even though you did not ask him to explain it.

Mr. McGohey: Well, that wasn't the point of my observation to your Honor. I thought—apparently

—Tr. Tr. 13,118—

I was mistaken—that he was giving an explanation on a different point than he had asked permission to give.

The Court: I don't think so.

Mr. McGohey: I understand now he is proceeding along the lines your Honor suggested he might do.

Sillen—Cross
Colloquy

The Court: I think he is giving an explanation for the thing he brought up and said he wanted to explain, and I told him he could do it, with this exception, that the minute I find that he is bringing in something that I have sustained objection to, then I will stop him. But if it is not that, I will let him go ahead.

Now you go ahead, Dr. Sillen, and tell us what the explanation is and how you happen to remember all about these statements on the one hand by Mr. Allen and on the other hand by Mr. Stachel.

The Witness: Well, as I say, I have had a special reason for remembering this. About two years after this discussion took place there appeared a book by Mr. Budenz entitled "This Is Our Life" in the course of which Mr. Budenz refers specifically to this group of meetings; that is, the meetings of the Daily Worker staff called to discuss the draft resolution. I had charge of the book section of the paper as literary editor. I read the book and found that in his references to this meeting he quoted Mr. Allen—

—Tr. Tr. 13,119—

Mr. McGohey: If the Court please, I desire to be heard, your Honor.

Mr. Gladstein: I think the witness should be permitted to finish, your Honor.

Mr. McGohey: Well, his Honor has indicated he will give him permission, but I desire to address myself to the Court now, and I ask permission so to do.

The Court: You may do so, Mr. McGohey.

Sillen—Cross
Colloquy

Mr. McGohey: Now, if the Court please, there were various attempts on the cross-examination of the witness Budenz to introduce this very book that the witness is now talking about, and your Honor excluded it.

The Court: All right. Now you show me the page. If I find that is so he won't get a word in in addition about this explanation. That is just the kind of thing I wanted to look out for.

Mr. Gladstein: I don't understand your Honor's remarks—

The Court: You may not understand, Mr. Gladstein, but if I find that this witness is bringing in something that I have already excluded, it is going to go out. Now I have had just a little bit too much of that in this trial.

Mr. Gladstein: Well, I am not sure, your Honor, that that does happen to be the fact, that he is trying to bring in anything—

—Tr. Tr. 13,120—

The Court: Well, we will soon find out, and I do not want any more argument.

What is the name of that book, Mr. Reporter?

The Reporter: "This Is Our Life."

The Witness: I meant "This Is My Life."

The Court: Not "This Is My Story"? My notes refer to "This Is My Story." Is that the same one?

The Witness: Yes.

The Court: I have a reference here to page 87 of that book.

Mr. McGohey: Yes, I direct your Honor's attention to page 2117 of the transcript.

Sillen—Cross
Colloquy

Mr. Gladstein: Is that the only reference you have, Mr. McGohey?

Mr. McGohey: Pardon me, I will answer that in a minute. I am just going through the transcript.

Mr. Gladstein: That page does not deal with anything like what Dr. Sillen is talking about.

Mr. McGohey: Now I object to that, your Honor.

Mr. Gladstein: Well, it is just true—

Mr. McGohey: Well, it is not true. I have said, your Honor, that this book was attempted to be offered in evidence, and it was ruled out, and that is the fact.

The Court: If we are going to have any of this disorderly argument I will put an end to it right now, and that is the end of that explanation.

—Tr. Tr. 13,121—

Mr. Gladstein: The pages of the book deal with—

The Court: When you start shouting that way, Mr. Gladstein,—

Mr. Gladstein: I wasn't shouting, your Honor.

The Court: —you do not impress me favorably; and when you make statements of fact that you have no right to make you do not impress me favorably either.

I now sustain the objection and exclude the balance of the explanation.

Now go ahead.

Mr. Gladstein: I do not know why your Honor says the balance. You have not allowed the witness to give any of it.

The Court: I do not want any argument, Mr. Gladstein. That is all the disorder in this trial we are going to have.

Sillen—Cross
Colloquy

Mr. Isserman: I must object to your Honor's remark—

The Court: Oh, you are back, Mr. Isserman?

Mr. Isserman: I object to your Honor's remarks and to your Honor's rulings.

The Court: Very well. Go ahead, Mr. McGohey.

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—Tr. Tr. 13,123—

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Q. Let me ask you, without giving me the names, do you have in your mind persons, their names, who were on that committee at the time you first recall its existence?

Mr. Gladstein: I object to that as not proper cross-examination.

The Court: Overruled.

A. No, I cannot do that.

Q. You just have no recollection about these things I have asked at all? A. No, I did not work through an executive committee, particularly at that stage of my employment, where I devoted my time completely to literary pursuits and was not in regular attendance at board meetings.

The Court: Have you those names and positions in your mind?

Mr. Gladstein: I object to your Honor's question.

—Tr. Tr. 13,124—

The Court: Overruled.

Mr. Gladstein: Also to the manner in which your Honor asked the question.

The Court: There is nothing about the manner.

Mr. Gladstein: And the gesture that accompanied it.

The Court: I raised my hand and you criticized me a number of times and I see no basis for such criticism. I am going to get at this—

Mr. Gladstein: Naturally your Honor sees no basis for criticism but an attorney who represents and defends clients may have a different view.

The Court: What I object to is false statements of the things that are said to be done by me and not done by me. That is what I object to and you and your colleagues have filled this record with statements of things I am supposed to have done and I never did. Every time you staft that I am going to see the record is kept straight.

Mr. McGohey: Will your Honor hear me?

Mr. Gladstein: Give me the courtesy at least. Since the Court made that statement for the record, I am saying I do not concede I have ever falsely attributed to the Court a gesture or tone I thought was improper except as I saw it, as I observed it, as I heard it, as I heard it expressed here in this court-

—Tr. Tr. 13,125—

room and believed I saw and heard what I heard.

The Court: I should not expect you to admit that, Mr. Gladstein.

Mr. McGohey: If the Court please, will you hear me? I suggest that it is now twenty-five minutes after three. Our ordinary time for recessing is half past

three and I call your Honor's attention to the fact of the disobedience again to your rules. There has been a long objection which contained an argument made by Mr. Gladstein interrupting my cross-examination at a point I am pressing for something. That is not the first time that has happened.

Mr. Gladstein: That is absurd, and I move—

The Court: You will please stop argument.

Mr. Gladstein: I move the Court not to have the recess at all, just to show Mr. McGohey what he says is untrue.

The Court: That would scarcely prove it, Mr. Gladstein, but we will take the recess just to let everybody cool off.

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—Tr. Tr. 13,163—

New York, August 26, 1949

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Q. Now, did you give a report to that conference?

Mr. McGohey: I did not hear the question.

The Court: The reporter will read it.

(Question read.)

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you make a statement to the defendants there present concerning your work in coalition activities?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Were you engaged in coalition work?

Mr. McGohey: Objection.
The Court: Sustained.

—Tr. Tr. 13,164—

Q. Will you tell the Court and the jury what coalition work you have been engaged in as a member and officer of the Communist Party?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Now, Mr. Strong, you have been actively engaged for many years in broad mass organizational work on behalf of the Negro people, isn't that so?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you formerly work with and for an organization known as the Southern Negro Youth Conference?

Mr. McGohey: Objection.
The Court: Read me that question, Mr. Reporter.

(Question read.)

The Court: Sustained.
Mr. Gladstein: I want to amend that. I said "Conference" and I should have said "Congress."

Mr. McGohey: As amended I object to it.
The Court: Same ruling.

Q. Did you have a position with the organization that I have just named?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you yourself engage for many years in combat-
—Tr. Tr. 13,165—
ting force and violence in the southern part of our country?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Have you yourself experienced and been the victim of force and violence?

Mr. McGohey: Objection.
The Court: Sustained.

After my rulings, Mr. Gladstein, I cannot fail to observe a certain persistency here that seems to me not quite proper. You know you ask questions like that and people sometimes draw inferences from the mere asking of the question. And my rulings have been so explicit that I think you had better try to avoid that in the future.

Mr. Gladstein: I—my hesitation was due to an effort to restrain myself against making the reply which I felt your Honor's remarks warranted.

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